

**COOKEVILLE PLANNING COMMISSION
MINUTES
NOVEMBER 25, 2013**

The Cookeville Planning Commission met on Monday, November 25, 2013 at 5:30 p.m., in the Council Chambers, 45 E. Broad Street, Cookeville, Tennessee.

MEMBERS PRESENT: Jim Stafne, Dr. Angelo Volpe, Dr. Roy Loutzenheiser, Judy Jennings, Chris Wakefield, Randy Dalton, David Webb, and Jim Woodford.

MEMBERS ABSENT: Kay Starkweather.

STAFF MEMBERS PRESENT: James Mills, Jayne Barns, and Ken Young.

STAFF ABSENT: Jim Shipley.

OTHERS PRESENT: Lauren Shibakov, Will Roberson, Chad McDonald, Martin Migliore, Jerry Gaw, and Aaron Bernhardt.

Chairman Jim Stafne wanted to thank Dr. Angelo Volpe and Randy Dalton for their service to the Planning Commission.

CONSIDER FOR APPROVAL MOVING ACTION ITEMS #5 AND #6 FROM STUDY TO ACTION. STAFF HAS REQUESTED THAT THIS ITEM BE MOVED FROM STUDY TO ACTION. MOVING THIS ITEM FROM STUDY TO ACTION REQUIRES THE APPROVAL OF THE PLANNING COMMISSION. Jim Woodford made the motion to approve moving Action Items #5 & #6 from Study to Action. Dr. Angelo Volpe seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER FOR APPROVAL THE AGENDA AS SUBMITTED. Randy Dalton made the motion to approve the agenda as submitted. Chris Wakefield seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER FOR APPROVAL THE MINUTES OF OCTOBER 28, 2013. Dr. Angelo Volpe made the motion to approve the minutes of October 28, 2013. Dr. Roy Loutzenheiser seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER FOR ACTION REZONING 440 EAST BROAD STREET LOCATED IN A HISTORIC OVERLAY DISTRICT FROM RS10 (SINGLE-FAMILY) TO CL (LOCAL COMMERCIAL). REQUEST SUBMITTED BY LAUREN SHIBAKOV ON BEHALF OF ROBERSON PARTNERSHIP, L. P. James Mills stated that Ms. Lauren Shibakov, on behalf of property owner Roberson Partnership, L.P., has submitted a request to rezone property located at 440 East Broad Street from RS-10, Single Family Residential to CL, Local Commercial.

The subject property is identified as Parcel 7.00 on Tax Map 53F, Group C and consists of approximately 0.36 acres. It is contiguous with RS-10 zoning to the north and east, with CL zoning to the west and with CBD, Central Business zoning to the south. The property is currently vacant having previously been the location of a single family dwelling. Adjacent to the north and east are single family dwellings, to the south is an office building, and to the west is a parking area for a commercial property currently used as a restaurant. The property is also located within the East Broad-Freeze Street Historic District. The area is depicted in the 2030 Future Land Use Concept Plan as being best suited for lower density residential development and is adjacent to an area depicted as being best suited for local commercial development.

The CL zoning district is intended for small and moderate size offices, personal and business services, and general retail businesses serving the general population of the city. Off-street parking is required in this zoning district. A Type 2 Screen and Buffer Yard is required along all rear and side property lines shared with single family residential properties. The minimum width of a Type 2 Buffer Yard is 20 feet. Since the property is also located within a Historic District any new structure would have to be homogenous with the existing structures within the district. Plans for any new structure would have to be approved by the Historic Zoning Commission.

The Planning Department has been contacted by two adjacent property owners to the north of the subject property. Both property owners were specifically concerned about possible drainage issues from new construction on the vacant lot. Commercial development is generally required to provide for storm water management while individual single family residential development is not.

Staff recommended approval of the rezoning.

Lauren Shibakov stated that she felt that this property would be best suited for commercial and residential or business offices.

Chad McDonald, property owner at 437 Freeze Street, shared his concerns about the storm water runoff onto his property, and about making sure that the new building meets all of the City and Historic Zoning requirements.

Lauren Shibakov responded that some of the drainage issues relating to the new paved parking lot has been corrected and if the request to rezone is approved, then they will have to meet all of the requirements for Historic Zoning and all City regulations.

Dr. Roy Loutzenheiser made the motion to approve rezoning 440 East Broad Street from RS10 (Single Family Residential) to CL (Local Commercial). Dr. Angelo Volpe seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER FOR ACTION VARIANCE FOR A FLAG LOT AND FINAL PLAT APPROVAL OF THE PAT ALLEN DIVISION PHASE II, REDIVISION OF LOT 2 OF THE PAT ALLEN DIVISION, 2 LOTS LOCATED ON LOVELADY ROAD.

REQUEST SUBMITTED BY A NEW DAY CONTRACTING INC. James Mills stated that the property owner A New Day Contracting, Inc. has submitted a request for a variance to allow the creation of one flag lot and final plat approval of the Pat Allen Division Phase II Re-division of Lot 2, a proposed two (2) lot single family residential development of their property fronting Lovelady Road.

The property proposed for this development is identified as Parcel 69.01 on Tax Map 96 and consists of approximately 1.917 acres. The site is zoned RS-20 as are all adjacent properties. The proposed Lot 1 contains an existing single family house that has a subsurface waste disposal system with a portion of the field lines currently located within the area proposed as Lot 2. The Tennessee Department of Environment and Conservation (TDEC) requires that these lines be relocated to completely within the proposed Lot 1 prior to authorizing Lot 2 to be used as a separate lot. It should be noted that public sewer is not available to this area at the present time. As previously stated, the owners have requested that the Planning Commission consider granting a variance to allow one flag lot. A flag lot is defined in the Subdivision Regulations as “a lot which is accessed by a strip of land of a width less than the required street frontage and which is located behind another lot which meets the required street frontage.” Article X Section G of the Subdivision Regulations specifies that flag lots shall be permitted only for existing lots of record and upon the approval of a variance by the Planning Commission subject to the following conditions:

- a. The parcel of land proposed for subdivision to include a flag lot shall have depth to width ratio exceeding 2:1.
- b. No access strip shall be less than 25 feet in width for its entire length.
- c. The access strip shall provide access for only one lot and shall be deeded and platted as a part of the building site. No building or structure shall be located in the access strip.
- d. The access strip shall not exceed 500 feet in length and no more than two access strips shall be located side-by-side.
- e. The point where the access strip abuts the public street shall be safe for vehicular ingress and egress as far as visibility and grade are concerned since, unlike conventional lots, flag lots have no other alternatives for driveway locations.
- f. All required building setbacks shall apply and be measured from the boundaries of the portion of the lot excluding the access strip.
- g. The developer shall restrict the flag lot from further subdivision unless a street meeting all requirements, including right-of-way, is constructed. Said restriction shall be placed on the Final Plat.

In no case shall a flag lot be used to avoid constructing a street to the required standards.

The lots will be served by the existing 12 inch waterline located in the right-of-way of Lovelady Road. There is one fire hydrant located within the required proximity in the right-of-way of South Lovelady Road. No area of the subject property is located in a Special Flood Hazard Area as stated on the plat certificate. No area of the property is indicated as being in a sinkhole retention area. A note on the plat states that further subdivision of the lots is restricted.

Staff stated that the petitioner has met the criteria for a flag lot and recommended that the variance as requested be granted. In addition, Planning Staff recommended conditional approval of the final plat subject to the following:

- Relocation of the septic field lines and approval by TDEC, and
- Completion of corrections or additions to the plat as determined necessary by the Planning Department and/or other appropriate city departments.

There was no one present for this item.

Jim Woodford made the motion to approve a Variance for a Flag Lot and granted conditional Final Plat approval of the Pat Allen Division Phase II, Redivision of Lot 2 of the Pat Allen Division, subject to Staff's recommendation. Chris Wakefield seconded the motion and the motion carried unanimously. **APPROVED VARIANCE FOR A FLAG LOT AND GRANTED CONDITIONAL FINAL PLAT APPROVAL.**

CONSIDER FOR ACTION PRELIMINARY PLAT/FINAL RAO PLAN FOR UNIVERSITY SQUARE PHASE II, 41 LOTS LOCATED ON WEST 7TH STREET, CHESTNUT STREET, LAUREL AVENUE, AND WEST 8TH STREET. REQUEST SUBMITTED BY AARON BERNHARDT. STAFF HAS REQUESTED THAT THIS ITEM BE MOVED FROM STUDY TO ACTION. MOVING THIS ITEM FROM STUDY TO ACTION REQUIRES THE APPROVAL OF THE PLANNING COMMISSION. James Mills stated that Mr. Aaron Bernhardt, on behalf of Bernhardt LLC, Jerry C. Gaw, Inc. and B & B Properties, has submitted for approval a Final RAO (Redevelopment Area Overlay) Plan and Preliminary Subdivision Plat for University Square, Phase II. Phase II is a proposed 40 unit townhouse (single-family attached) development located west of Phase I and east of Chestnut Avenue between West 7th and West 8th Streets.

The Planning Commission, at its September 2013 meeting, approved a Preliminary RAO Concept Plan for the proposed development of 40 single-family attached dwellings with setback reductions and recommended that the City Council enact an RAO zone for the area depicted in the RAO Plan. Ordinance Number O13-10-16, establishing the RAO district for the subject area, was approved on second and final reading by the City Council at its November 21, 2013 meeting and will become effective on December 7, 2013.

The property proposed for RAO development is identified as Parcel 21.00 on Tax Map 400, Group A and consists of approximately 1.77 acres. The site is located entirely within an area identified in the Cookeville 2030 Plan as being in need of redevelopment/revitalization. The underlying or existing zoning classification of the property is RD, Single Family and Duplex Residential. In conjunction with the request for RAO zoning, Mr. Bernhardt submitted a request for the closure and abandonment of Laurel Avenue between West 7th and West 8th Streets, which bisects the University Square development and the proposed Phase II. Ordinance Number O13-10-15, closing and abandoning said section of Laurel Avenue, was approved on second and final reading by the City Council at its November 21, 2013 meeting and will become effective on

December 7, 2013. The inclusion of the right-of-way increases the land area by approximately 0.25 acres to approximately 2.02 acres or 87,990 square feet.

The approved Preliminary RAO Concept Plan depicts the development of 40 dwellings, which is an increase of approximately 24 units over what could be constructed under RD zoning, which requires a minimum of 5,000 square feet of land area per dwelling unit. Under the provisions of the RAO district, the city may allow a density bonus of up to 20 units per acre, which is approximately 2,178 square feet per dwelling unit. For an area containing 2.02 acres, or 87,990 square feet, the city can approve up to 40 dwelling units. The total land area after dedication of right-of-way for adjoining streets would be reduced to approximately 1.84 acres, or 80,150 square feet, which would be 37 units in an RAO zone. The right-of-way dedication consists of approximately 6,800 square feet which equates to three (3) units.

The floor plans, which are the same as University Square, Phase I, depict the construction of two (2) story dwellings with kitchen, living, and dining areas on the first floor and two (2) bedrooms and two (2) baths located on the second floor. The elevation plans indicate all brick construction and would mimic the structures in Phase I. The approved plan also included reduced setbacks along West 7th and West 8th Streets and Chestnut Avenue. According to the approved development schedule all existing structures are to be removed within 60 days of approval of the RAO with new construction beginning thereafter and to be completed within two (2) years.

The Zoning Code requires that a Final RAO Plan must be submitted to the Planning Commission within six (6) months after the effective date of the enactment of the overlay by the City Council or the overlay zoning action shall become null and void. The Final RAO Plan must substantially conform to the Preliminary RAO Concept Plan. Any substantial modifications to the approved Final RAO Plan must be resubmitted to the Planning Commission. Section 232A.15G of the Zoning Code specifies that in RAO developments involving the transfer of parcels a preliminary subdivision plat is also required.

In the opinion of the Planning Department the Final RAO Plan substantially conforms to the Preliminary RAO Concept Plan. All information required by Section 232A.15G appears to be depicted on the Plan. The plan indicates that the 40 townhouses would be clustered into two (2) groups of nine (9) units, two (2) groups of eight (8) units and one (1) group of six (6) units. A total of 94 parking spaces are shown, which is nine (9) less than required. However, when combined with Phase I, a total of 181 spaces would be available for 75 dwelling units, which exceeds the minimum requirement. Sidewalks along West 8th Street and Chestnut Avenue would be installed and rain gardens would be utilized for storm water detention instead of a detention pond. Existing sidewalks along West 7th Street would be repaired or replaced where needed. All of the proposed units would be accessed from interior private streets (extensions of Joy and Charlotte Drives from Phase I). Parking areas would be off the private streets and no direct vehicle access from public streets to any dwelling will be provided. Canopy trees are to be planted along all street

frontages. Refuse collection will be provided with an enclosed dumpster area. A common mail area is to be provided.

The Preliminary Plat depicts the development of 41 lots consisting of the 40 townhouse lots and the 41st lot being the common area, which including all parking, drives, green space and the storm water retention area. All utilities and interior streets will be privately owned and maintained. A Homeowners Agreement (HOA) regarding the maintenance of the private streets, utilities and common areas is required. Existing fire hydrants are adequately located to serve the development and an additional hydrant will be installed in the vicinity of the dumpster area near the center of the development. All townhouse lots will be accessed and addressed from the private interior streets. New sidewalks will be constructed along West 8th Street and Chestnut Avenue. The storm water management plans have been approved by the Public Works Department.

Staff recommended conditional approval of the Final RAO Plan for University Square subject to Ordinance Numbers O13-10-15 and O13-10-16 becoming effective, to acquisition of the right-of-way of Laurel Avenue between West 7th and West 8th Streets, to the submittal of the homeowner's covenants and maintenance agreement, and to compliance with all applicable provisions of the Zoning Code. Conditional approval of the Preliminary Plat subject to the completion of a preconstruction meeting prior to the initiation of any improvements and to the completion of any corrections or additions to the plat as determined necessary by the applicable city departments.

Dr. Angelo Volpe made the motion to grant conditional approval of the Final RAO Plan for University Square, and conditional Preliminary Plat approval, subject to Staff's recommendation. Dr. Roy Loutzenheiser seconded the motion and the motion carried unanimously. **CONDITIONAL FINAL RAO PLAN FOR UNIVERSITY SQUARE AND CONDITIONAL PRELIMINARY PLAT APPROVAL.**

CONSIDER FOR ACTION PRELIMINARY PLAT/FINAL RAO PLAN FOR WEST BROAD COTTAGES (FORMERLY STOVER-GAW), 37 LOTS LOCATED ON WEST BROAD STREET REQUEST SUBMITTED BY AARON BERNHARDT. STAFF HAS REQUESTED THAT THIS ITEM BE MOVED FROM STUDY TO ACTION. MOVING THIS ITEM FROM STUDY TO ACTION REQUIRES THE APPROVAL OF THE PLANNING COMMISSION. James Mills stated that Mr. Aaron Bernhardt, on behalf of Bernhardt LLC, Jerry C. Gaw, Inc. and Tim Stover, has submitted for approval a Final RAO (Redevelopment Area Overlay) Plan and Preliminary Subdivision Plat for West Broad Cottages (formerly Stover-Gaw Division). West Broad Cottages is a proposed 36 unit townhouse (single-family attached) development located off West Broad Street and North Chestnut Avenue.

The Planning Commission, at its September 2013 meeting, approved a Preliminary RAO Concept Plan for the proposed development of 36 single family attached dwellings with setback reductions and recommended that the City Council enact an RAO zone for the area depicted in the RAO Plan. Ordinance Number O13-10-17, establishing the RAO district

for the subject area, was approved on second and final reading by the City Council at its November 21, 2013 meeting and will become effective on December 7, 2013.

The property proposed for RAO development is identified as Parcels 2.00, 27.00 and 28.00 on Tax Map 53A, Group D and consists of approximately 2.2 acres combined. The site is located entirely within an area identified in the Cookeville 2030 Plan as being in need of redevelopment/revitalization. The underlying or existing zoning classification for Parcel 2.00 is RD, Single Family and Duplex Residential and for Parcels 27.00 and 28.00 it is CG, General Commercial. The primary use of the proposed RAO site is residential. Located on Parcel 2.00 are a single family residential structure and a two (2) unit apartment. Parcels 27.00 and 28.00 are vacant with two (2) deteriorated single family structures having already been removed. The structures located on Parcel 2.00 are in less than good condition.

The approved Preliminary RAO Concept Plan depicted the development of 36 townhouses which was an increase of approximately three (3) units over what could be constructed under CL and RD zoning. Approved floor plans depict the construction of 24 single level units with two (2) bedrooms and two (2) baths and the construction of 12 two (2) story units with two (2) bedrooms and two and one half (2.5) baths. According to the approved development schedule all existing structures are to be removed within 60 days of approval of the RAO with new construction beginning thereafter and to be completed within one and a half (1.5) years.

The Zoning Code requires that a Final RAO Plan must be submitted to the Planning Commission within six (6) months after the effective date of the enactment of the overlay by the City Council or the overlay zoning action shall become null and void. The Final RAO Plan must substantially conform to the Preliminary RAO Concept Plan. Any substantial modifications to the approved Final RAO Plan must be resubmitted to the Planning Commission. Section 232A.15G of the Zoning Code specifies that in RAO developments involving the transfer of parcels a preliminary subdivision plat is also required.

In the opinion of the Planning Department the Final RAO Plan substantially conforms to the Preliminary RAO Concept Plan. All information required by Section 232A.15G appears to be depicted on the Plan. The plan indicates that the 36 townhouses would be clustered into five (5) groups of six (6) units and two (2) groups of three (3) units. Sidewalks along Chestnut Avenue would be installed and rain gardens on West Broad Street and Chestnut Avenue would be utilized for storm water detention instead of detention ponds. All of the proposed units would be accessed from an interior private street, Myleigh Avenue. Parcels 1-9 and 34-36 are to be two story units and the remaining 24 parcels are to be single story units. Canopy trees are to be planted along all public street frontages. Elevation and floor plans are provided on the Final RAO Plan. Refuse collection will be provided with an enclosed dumpster area. A common mail area is to be provided.

The Preliminary Plat depicts the development of 37 lots consisting of the 36 townhouse lots and the 37th lot being the common area, which including all parking, drives, green space and the storm water retention area. All utilities and the interior street will be privately owned and maintained. A Homeowners Agreement (HOA) regarding the maintenance of the private streets, utilities and common areas is required. Existing fire hydrants are adequately located to serve the development. All townhouse lots will be accessed and addressed from the private interior street. New sidewalks will be constructed along North Chestnut Avenue. The storm water management plans have been approved by the Public Works Department.

Staff recommended conditional approval of the Final RAO Plan for West Broad Cottages subject to Ordinance Number O13-10-17 becoming effective, to the submittal of the homeowners covenants and maintenance agreement, and to compliance with all applicable provisions of the Zoning Code. Conditional approval of the Preliminary Plat subject to the completion of a preconstruction meeting prior to the initiation of any improvements and to the completion of any corrections or additions to the plat as determined necessary by the applicable city departments.

Randy Dalton made the motion to grant conditional Final RAO Plan for West Broad Cottages and conditional Preliminary Plat approval, subject to Staff's recommendation. Dr Angelo Volpe seconded the motion and the motion carried unanimously. **CONDITIONAL FINAL RAO PLAN FOR WEST BROAD COTTAGES AND CONDITIONAL PRELIMINARY PLAT APPROVAL.**

CONSIDER FOR ACTION CANCELLING THE DECEMBER PLANNING COMMISSION MEETING. REQUEST SUBMITTED BY STAFF. Staff recommended that the December Planning Commission meeting be cancelled.

Dr. Roy Loutzenheiser made the motion to cancel the December Planning Commission Meeting. Chris Wakefield seconded the motion and the motion carried unanimously. **CANCELLED DECEMBER'S MEETING.**

Chris Wakefield made the motion to take the following items for study. Dr. Roy Loutzenheiser seconded the motion and the motion carried unanimously. **STUDY ITEMS.**

- (1) CONSIDER FOR STUDY REZONING 20 DEPOT STREET FROM CL (LOCAL COMMERCIAL) TO CG (GENERAL COMMERCIAL). REQUEST SUBMITTED BY TIM STOVER OF STOVER'S RENTALS. PUBLIC HEARING SCHEDULED FOR JANUARY 27, 2014.**
- (2) CONSIDER FOR STUDY CLOSING SOUTH WHITNEY AVENUE LOCATED BETWEEN DEPOT STREET AND THE SOUTHERN RAILROAD RIGHT-OF-WAY AND DECLARING IT AS SURPLUS. REQUEST SUBMITTED BY TIM STOVER. PUBLIC HEARING SCHEDULED FOR JANUARY 27, 2014.**

- (3) CONSIDER FOR STUDY AMENDMENT TO THE ZONING CODE RELATING TO APPROVAL OF PROPERTY OWNERS REQUIREMENT FOR ESTABLISHMENT OF HS DISTRICT OVERLAY ZONING. REQUEST SUBMITTED BY HISTORIC ZONING COMMISSION. *PUBLIC HEARING SCHEDULED FOR JANUARY 27, 2014.***

ADJOURNMENT: 5:58 P.M.

SUBMITTED FOR APPROVAL

**JAYNE BARNS CPS
PLANNING ASSISTANT**

SUBMITTED FOR RECORDING

**JIM ST AFNE, CHAIRMAN
COOKEVILLE PLANNING
COMMISSION**